GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Andhra Pradesh Secretariat Service – Non Cadre Officers in common pool – Promotion and posting of certain Section Officers (Single Unit) as Assistant Secretaries to Government (SO Line) (Single Unit) – Orders – Issued – Withdrawn – Orders – Issued.

GENERAL ADMINISTRATION (SC.F) DEPARTMENT

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G.O. Rt. No. 1261 dated 27-06-2023

Read the following:-

1) U.O. Note No. 1840153/SC.F/A3/2022, General Administration (SC.F) Department, dated 16.09.2022.
2) From the General Administration (SU.I) Department, e-file bearing C.No. GAD01-SU0SO(PROM)/4/2022-SU.I, dated 09.12.2022.
3) Orders of the Hon'ble High Court of Andhra Pradesh in W.P. No. 40006 of 2022, dated 16.12.2022, filed by Sri Kancharla Srihari Rao and others.
4) G.O. Rt. No. 121, General Administration (SC.F) Department, dated 13.01.2023.
5) From the Hon'ble High Court of Andhra Pradesh, Form.I Notice in C.C. No. 707 of 2023 in W.P. No. 40006 of 2022, dated 03.05.2023.
6) U.O. Note No. 18711289/GAD/2022-SU.I-3, General Administration (SU.I) Department, dated 12.05.2023.

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ORDER:

In the reference first read above, the General Administration (SU.I) Department was requested to furnish the seniority list of Section Officers (Single Unit) in the ratio of 1 : 3 for preparation of panel of Section Officers fit for promotion as Assistant Secretaries to Government (SO line) during the panel year 2022-23. In the reference second read above, the General Administration (SU.I) Department have furnished necessary proposal for convening the DPC.

At this juncture, Sri Kancharla Srihari Rao and others have filed Writ Petition No. 40006 of 2022 in the Hon'ble High Court of Andhra Pradesh, praying to set aside the Memo. No. GAD01-SU0ASO(SNTY)/2/2022-SU.II, General Administration (SU.II) Department, dated 02.11.2022 and consequently direct the respondent authorities to effect promotions pursuant to the provisional seniority list dated 14.09.2022 by duly finalizing the same by fixing the inter-se-seniority among the selected candidates under Notification No. 10/1999. In the reference third read above, the Hon'ble High Court of Andhra Pradesh have made the following Order:-

> "In order to give full effect to the Interim Order passed by the Combined High Court of Andhra Pradesh, dated 02.06.2016 in W.P.M.P. No. 20930 of 2016 in W.P. No. 16998 of 2016, the Authorities are directed not to prepare any Seniority List and shall not undertake any further exercise for the purpose of fixing Seniority and the consequent promotions".

While enclosing a copy of the orders of the High Court, the petitioners therein have requested not to take up promotions. The General Administration (SU) Department have informed that after bifurcation of the State, the allocation list furnished by the Government of India, Department of Personnel & Training, vide Order No. 13(5)(a)(i)/2015, dated 30.09.2015, dated 30.09.2016 is being followed from the panel years from 2016-17 to the last panel year 2021-22 for furnishing the service particulars / ACRs of the Section Officers to the G.A. (SC.F) Dept., to effect adhoc promotions to the post of Assistant Secretaries to Government since final inter-se-seniority of Assistant Section Officers is not yet finalized in view of court litigation. For the present panel year 2022-23 also the same practice has been followed and furnished the list of Section Officers from the allocation list of Government of India to conduct DPC for the adhoc promotions to the post of Assistant Secretary to Govt. and requested to take action accordingly.

Therefore, the proposal has been placed before the DPC. The DPC met on 11.01.2023 and after going through the ACRs, relevant records and other material papers of the eligible Section Officers in the allocation list and after making an overall assessment of their service record and work done, have recommended to include (54) Section Officers (Single Unit) in the panel for Adhoc promotion to the category of Assistant Secretaries to Government for the panel year 2022-23. The recommendations of the DPC have been approved by the Government and accordingly, under rule 10 (a) of the Andhra Pradesh State & Subordinate Service Rule, 1996, orders have been issued promoting fifty (50) Section Officers (SU) to the category of Asst. Secretaries to Government (SO line) (SU), under rule 10 (a) of the A.P. State & Subordinate Service Rules, 1996, purely on adhoc basis, vide G.O. fourth read above.

It was specifically mentioned in the said order that the promotion made was on ad-hoc basis and they are provisional/purely temporary / pending finalization of ASOs seniority and subject to the directions/final outcome of WPs/OAs/RPs/CAs if any pending before the Hon'ble Courts in India.

While the matter stood thus, Sri K. Srihari Rao and Others have filed Contempt Case No. 707 of 2023 in W.P. No. 40006 of 2022, praying to call respondents/contemnors and punish them under section 10 to 12 of Contempt of Courts Act for willful disobedience of the orders passed by the Hon'ble High Court in W.P. No. 40006 of 2022, dated 16.12.2022. In the reference fifth read above, the Hon'ble High Court of Andhra Pradesh issued Form-I Notice to the Contemnors, requiring them to appear in person before the High Court of Andhra Pradesh on 30.06.2023 at 10-30 A.M. and show cause as to why they shall not be punished or other appropriate order be not passed for contempt of the Hon'ble High Court. Another Contempt Case No. 781 of 2023 is also filed in the Hon'ble High Court for the State of Telangana against the orders issued in G.O. Rt. No. 121, G.A (SC.F) Dept., dated 13.01.2023.

In the reference sixth read above, the General Administration (SU.I) Department have stated that the Hon'ble High Court is of the view that the ad-hoc promotions issued vide G.O. fourth read above are attracted contempt of interim directions given and hence it is necessary to withdraw the ad-hoc promotions given pending the Writ Petition No. 40006 of 2022 so as to avoid contempt of court and requested to take further necessary action in the matter.

After careful examination of the matter, Government have decided to withdraw the orders issued in G.O. fourth read above, temporarily promoting certain Section Officers as Assistant Secretaries to Government (SO line) on ad-hoc basis and accordingly, the orders issued in the G.O. fourth read above are hereby withdrawn and consequently the individuals are reverted as Section Officers (Single Unit), with immediate effect. They shall report to General Administration (SU.I) Department for further postings.

The Departments of Secretariat concerned shall relieve the individuals forthwith, with a direction to report to the General Administration (SU.I) Department.

The General Administration (SU.I) Department shall take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

To
The individuals concerned (through the Departments concerned).
The General Administration (SU.I) Department
The Departments concerned.
The Dy. Pay & Accounts Officer, Secretariat, Velagapudi.
Copy to:
The G.P. for Services-I, High Court of Andhra Pradesh.
The P.S. to Chief Secretary to Government.
The P.S. to Principal Secretary to Government.

//FORWARDED: BY ORDER//

SECTION OFFICER (SC)